

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO. 6079 OF 2004

Smt Kiran Vinod Mehra & anr

...Petitioners

vs

Mrs Vidya Chandhok & ors

... Respondents

..

Mr.A.K.Abhyankar with Mr. P.S.Dani i/b Bilawala &
Co for Petitioners.

CORAM : D.G.KARNIK, J

DATE: 30TH JULY, 2004.

P.C.

1. Heard learned counsel for the parties.

2. The trial Court as well as the first appellate Court have passed a decree for possession against the petitioner on the ground that the respondent-landlady requires the suit premises reasonably and bonafide and also on other grounds namely that the petitioner has acquired suitable alternative accommodation elsewhere and has changed the user of the suit premises. Learned counsel for the petitioner strenuously contended that the grounds of acquisition of suitable alternative accommodation has been wrongly decided and the finding is perverse in as much as the alternative premises were business premises and not the residential premises. This cannot be said to be acquisition of suitable residential premises. If this was the only ground on which the suit had been decreed, I would have been inclined to admit the petition. However, the decree has been passed also on the ground of reasonable and bonafide requirement. The finding as to the reasonable and bonafide requirement is concurrent and the view taken by the Courts below is possible. No perversity is shown.

3. Ground of hardship was not urged before me.

4. In the circumstances, the petition is rejected. At the request of the learned counsel for the petitioner, it is ordered that the decree for possession shall not be executed for a period of eight weeks.

5. Authenticated copy allowed.

D.G.KARNIK, J